

ORDINANCE NO. 2163

AN ORDINANCE PROVIDING FOR THE DESCRIPTION AND SURVEY OF CERTAIN LANDS NECESSARY FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE WATER MAINS, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; DECLARING IT TO BE A PUBLIC NECESSITY TO ACQUIRE SAID LAND BY CONDEMNATION FOR SUCH PURPOSE AND DIRECTING THE CITY ATTORNEY TO MAKE PROPER APPLICATION TO A JUDGE OF THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS FOR THE APPOINTMENT OF COMMISSIONERS TO APPRAISE SAID LAND AND TO CONDUCT CONDEMNATION PROCEEDINGS RELATIVE THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That the description in the survey of land necessary to be acquired by condemnation for the purpose of construction of certain improvements to the Water Mains in the City of Gardner, Johnson County, Kansas as prepared and filed by the City Engineer with the City Clerk on the 1st day of August, 2005 pursuant to Resolution No. 1673, adopted and approved by the Governing Body of the City of Gardner, Kansas on the 1st day of August, 2005 is hereby approved.

SECTION TWO: That the action of the Governing Body of the City of Gardner, Kansas in acquiring said land for construction of certain improvements to the street and utility systems in the City of Gardner, Kansas has been declared necessary by the Governing Body of said City.

SECTION THREE: That the acquisition of the hereinafter described land is authorized by K.S.A. 26-201 and any actions amendatory or supplemental thereto.

SECTION FOUR: That there be and is hereby declared to be a public necessity to acquire by condemnation proceedings certain land for the construction of certain improvements as described in Section One of this Ordinance, the land hereinafter described, to-wit:

See attached Exhibit "A"

SECTION FIVE: That the City Attorney be, and he is hereby directed, authorized, and instructed to make proper application to a judge of the District Court of Johnson County, Kansas for the acquisition of the above described land praying for the condemnation thereof, and the appointment of Commissioners to assess, determine, and fix the damages resulting from such condemnation, and to take such other proceedings as may be required by law.

SECTION SIX: This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED and APPROVED this 15th day of August, 2005.

Carol Lehman, Mayor

ATTEST:

Gwen Scott, City Clerk

EXHIBIT "A"

PERMANENT UTILITY EASEMENT:

All that part of the Northeast Quarter of Section 24, Township 14 South, Range 22 East, now in the City of Gardner, Johnson County, Kansas, described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 24; thence North 89 degrees 39 minutes 52 seconds West, along the North Line of said Section, a distance of 40.00 feet; thence South 00 degrees 20 minutes 08 seconds West, a distance of 20.00 feet to a point on the South right of way line of 167th Street and the West right of way line of Moonlight Road; thence continuing South 00 degrees 20 minutes 08 seconds West along the West right of way line of Moonlight Road, a distance of 20.00 feet to the point of beginning; thence continuing South 00 degrees 20 minutes 08 seconds West along the West right of way line of Moonlight Road, a distance of 10.00 feet; thence North 89 degrees 39 minutes 52 seconds West, a distance of 289.50 feet; thence North 00 degrees 14 minutes 14 seconds West, a distance of 10.00 feet; thence South 89 degrees 39 minutes 52 seconds East, a distance of 289.60 feet to the point of beginning; containing 2896 sq. ft., more or less.

TEMPORARY EASEMENT:

All that part of the Northeast Quarter of Section 24, Township 14 South, Range 22 East, now in the City of Gardner, Johnson County, Kansas, described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 24; thence North 89 degrees 39 minutes 52 seconds West, along the North Line of said Section, a distance of 40.00 feet; thence South 00 degrees 20 minutes 08 seconds West, a distance of 20.00 feet to a point on the South right of way line of 167th Street and the West right of way line of Moonlight Road and the point of beginning; thence continuing South 00 degrees 20 minutes 08 seconds West along the West right of way line of Moonlight Road, a distance of 20.00 feet; thence North 89 degrees 39 minutes 52 seconds West, a distance of 289.60 feet; thence North 00 degrees 14 minutes 14 seconds West, a distance of 20.00 feet to a point on the South right of way line of 167th Street; thence South 89 degrees 39 minutes 52 seconds East along the South right of way line of 167th Street, a distance of 289.80 feet to the point of beginning; containing 5794 sq. ft., more or less.

PERMANENT UTILITY EASEMENT:

All that part of the Southwest Quarter of Section 24, Township 14 South, Range 22 East, now in the City of Gardner, Johnson County, Kansas, described as follows:

Commencing at the Southwest corner of Lot 2, Lanesfield, a subdivision of land in Gardner, Johnson County, Kansas, said point being on the North right of way line of Madison Avenue and the point of beginning; thence South 89 degrees 44 minutes 34 seconds East, along the South line of said lot; a distance of 19.48 feet; thence along the South line of said lot Southeasterly along a curve to the right with a radius of 330.00 feet, a central angle of 12 degrees 38 minutes 29 seconds, and a length of 72.81 feet; thence South 89 degrees 44 minutes 34 seconds East, along the South line of said lot, a distance of 39.94 feet; thence Northwesterly along a curve to the left with a radius of 340.00 feet, a central angle of 18 degrees 43 minutes 37 seconds, an initial tangent

bearing of North 41 degrees 00 minutes 57 seconds West and a length of 111.13 feet; thence North 89 degrees 44 minutes 34 seconds West, a distance of 19.94 feet to the West line of said lot; thence South 02 degrees 22 minutes 47 seconds East, along the West line of said lot, a distance of 10.01 feet to the point of beginning; containing 1128 sq. ft., more or less.

PERMANENT UTILITY EASEMENT:

All that part of the Southwest Quarter of Section 24, Township 14 South, Range 22 East, now in the City of Gardner, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 24, thence South 89 degrees 41 minutes 29 seconds East, along the North line of the Southwest Quarter of said Section 24, a distance of 396 feet; thence South 00 degrees 01 minutes 25 seconds West, a distance of 613.30 feet to a point on the North right of way line of Madison Avenue and the point of beginning; thence along the North right of way of Madison Avenue Southeasterly along a curve to the left, with a radius of 270.00 feet, a central angle of 21 degrees 46 minutes 13 seconds, and a length of 102.59 feet; thence North 89 degrees 44 minutes 10 seconds East along the North right of way line of Madison Avenue, a distance of 375.94 feet; thence North 00 degrees 01 minutes 25 seconds East, a distance of 10.00 feet; thence South 89 degrees 44 minutes 10 seconds West, parallel to and offset 10 feet from the North right of way line of Madison Avenue, a distance of 375.94 feet; thence Northwesterly along a curve to the right parallel to and offset 10 feet from the North right of way line of Madison Avenue, with a radius of 260.00 feet, a central angle of 22 degrees 39 minutes 50 seconds, and a length of 102.85; thence South 00 degrees 01 minutes 25 seconds West, a distance of 10.82 feet to the point of beginning; containing 4787 sq. ft., more or less.